

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JABEZ PROPERTIES, LLC,
Plaintiff,

v.

CORINTHIAN COLLEGES, INC.,
Defendant.

No. C07-5367RBL

ORDER GRANTING
DEFENDANT'S MOTION
TO AMEND ANSWER

This matter is before the court on Defendant's Motion to Amend its Answer. (Dkt. #6). This matter involves a dispute over the Defendant's obligations under a commercial lease, and whether the Defendant fulfilled its duty to keep the premises in good condition and repair. *Complaint*, p. 6 (Dkt. #1). The Plaintiff is the landlord of the property, which the Defendant occupied. Defendant seeks to add a counterclaim against the Plaintiff for reimbursement for replacing septic pumps on the premises, plus interest from the date of payment. The Defendant claims that despite the Plaintiff's assigned responsibility as landlord for "replacement of 'the leach field and/or septic tanks,'" *Motion to Amend*, p. 2 (Dkt. #6), it failed to reimburse the Defendant for this expense. The Plaintiff did not oppose the motion.

Even if the Plaintiff opposed this motion, the Court would still permit the Defendant to assert a counterclaim. Under the Federal Rules, a party may amend its answer "by leave of court or by written consent of the adverse party; and shall be given when justice so requires." Fed. R. Civ. P. 15(a). Leave to amend is favored unless an opposing party makes a showing of undue prejudice, bad faith, futility, or dilatory motive on the moving party. *Foman v. Davis*, 371 U.S. 178, 182 (1962).

1 In this case, the parties agreed that this case should be ready for trial by September 22, 2008. *Motion*
2 *to Amend*, p. 2 (Dkt. 6). The discovery cutoff date is August 11, 2008. *Id.* Very little discovery has been
3 conducted. In fact, the Plaintiff has conducted no discovery. Accordingly, the Plaintiff has enough time to
4 conduct discovery of this counterclaim.

5 Given the lack of prejudice to the plaintiff in allowing amendment the Court hereby GRANTS the
6 Defendant's Motion to Amend (Dkt. #6). Defendant is granted leave to file its Amended Answer.

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8 DATED this 26th day of February, 2008.

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11 RONALD B. LEIGHTON
12 UNITED STATES DISTRICT JUDGE
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